

Message

From: Frye, Tony (Robert) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=58C08ABDFC1B4129A10456B78E6FC2E1-FRYE, ROBER]
Sent: 1/29/2019 7:27:47 PM
To: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]
Subject: Senator Grassley Meeting Memo
Attachments: Senator Grassley Bio AW Confirmation.docx

Hello Team – Attached is a draft memo in preparation of a pending meeting between AAW and Senator Grassley. Can you take a look to make sure this is up to date and see if you think we missed anything.

Thanks,

Tony

Tony Frye

Special Advisor

Office of Congressional Affairs

Environmental Protection Agency

Cell: Personal Privacy / Ex 6

Message

From: Palich, Christian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=330AD62E158D43AF93FCBBECE930D21A-PALICH, CHR]
Sent: 7/12/2018 5:58:05 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
CC: Frye, Tony (Robert) [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=58c08abdfc1b4129a10456b78e6fc2e1-Frye, Rober]
Subject: Administrator Memo for Carper Meeting
Attachments: AW Meeting w Carper .docx

Hi Mandy, Clint, and Alex,

If you could take a look at the Air related topics on attached memo for the Administrator I would definitely welcome any edits/deletions/additions you would have.

Best Regards,

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Personal Matters / Ex. 6
E: Palich.Christian@epa.gov

To: Wehrum, Bill[Wehrum.Bill@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Woods, Clint[woods.clint@epa.gov]
From: Harlow, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: Thur 7/5/2018 10:49:15 PM (UTC)
Subject: Revised draft of NAA request
[naamem.docx](#)

Bill,

I have revised the draft of the No Action Assurance request per your instruction. A redline is attached.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Wehrum, Bill [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=33D96AE800CF43A3911D94A7130B6C41-WEHRUM, WIL]
Sent: 7/5/2018 7:47:58 PM
To: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: Tweet

Ex. 5 - Deliberative Process | I will talk with Andrew, if needed.

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Harlow, David
Sent: Thursday, July 5, 2018 3:46 PM
To: Woods, Clint <woods.clint@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Tweet

Deliberative Process / Ex. 5

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Woods, Clint
Sent: Thursday, July 5, 2018 3:43 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: Tweet
Importance: High

<https://twitter.com/realDonaldTrump/status/1014956568129892352>



Donald J. Trump
@realDonaldTrump

Follow

I have accepted the resignation of Scott Pruitt as the Administrator of the Environmental Protection Agency. Within the Agency Scott has done an outstanding job, and I will always be thankful to him for this. The Senate confirmed Deputy at EPA, Andrew Wheeler, will...

12:37 PM - 5 Jul 2018

1,415 Retweets 2,614 Likes

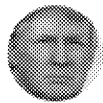


745

1.4K



2.6K



Donald J. Trump @realDonaldTrump · 3m

...on Monday assume duties as the acting Administrator of the EPA. I have no doubt that Andy will continue on with our great and lasting EPA agenda. We have made tremendous progress and the future of the EPA is very bright!

250

563



1.5K

Clint Woods
Deputy Assistant Administrator
Office of Air and Radiation, U.S. EPA
202.564.6562

ED_002444_00008309-00002

Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 7/5/2018 4:51:20 PM
To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]
CC: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Gliders NAA request
Attachments: naamem.docx

Bill,

I have draft a request for a no action assurance along the lines described in the write-up you gave me this morning. It is attached. As you'll note, I have styled the

Deliberative Process / Ex. 5

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Dominguez, Alexander [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5CED433B4EF54171864ED98A36CB7A5F-DOMINGUEZ,]
Sent: 7/27/2018 1:38:38 PM
To: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, El]
Subject: Re: SIGNED: Withdrawal of Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles (memo and response letters)

Adding Mandy.

Sent from my iPhone

> On Jul 27, 2018, at 9:37 AM, Harlow, David <harlow.david@epa.gov> wrote:
>
> Mandy's your best bet on this. I've not been involved with these most recent matters.
>
> Sent from my iPhone
>
>> On Jul 27, 2018, at 9:33 AM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:
>>
>> Do either of you have a second to discuss? **Personal Matters / Ex. 6**
>>
>>
>> Begin forwarded message:
>>
>> From: "Dominguez, Alexander" <dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov>>
>> To: "Bennett, Tate" <Bennett.Tate@epa.gov<mailto:Bennett.Tate@epa.gov>>
>> Subject: FW: SIGNED: Withdrawal of Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles (memo and response letters)
>>
>>
>>
>> From: Johnson, Laura-S
>> Sent: Thursday, July 26, 2018 8:08 PM
>> To: Wheeler, Andrew <wheeler.andrew@epa.gov<mailto:wheeler.andrew@epa.gov>>; Jackson, Ryan <jackson.ryan@epa.gov<mailto:jackson.ryan@epa.gov>>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov<mailto:Leopold.Matt@epa.gov>>; Schwab, Justin <Schwab.Justin@epa.gov<mailto:Schwab.Justin@epa.gov>>; Orlin, David <Orlin.David@epa.gov<mailto:Orlin.David@epa.gov>>; Bodine, Susan <bodine.susan@epa.gov<mailto:bodine.susan@epa.gov>>; Wehrum, Bill <Wehrum.Bill@epa.gov<mailto:Wehrum.Bill@epa.gov>>; Konkus, John <konkus.john@epa.gov<mailto:konkus.john@epa.gov>>; Lyons, Troy <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>>; White, Elizabeth <white.elizabeth@epa.gov<mailto:white.elizabeth@epa.gov>>; Harlow, David <harlow.david@epa.gov<mailto:harlow.david@epa.gov>>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov<mailto:Gunasekara.Mandy@epa.gov>>; Shaw, Betsy <Shaw.Betsy@epa.gov<mailto:Shaw.Betsy@epa.gov>>; Woods, Clint <woods.clint@epa.gov<mailto:woods.clint@epa.gov>>
>> Cc: Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov<mailto:Wooden-Aguilar.Helena@epa.gov>>; Grantham, Nancy <Grantham.Nancy@epa.gov<mailto:Grantham.Nancy@epa.gov>>; Richardson, RobinH <Richardson.RobinH@epa.gov<mailto:Richardson.RobinH@epa.gov>>; Lewis, Josh <Lewis.Josh@epa.gov<mailto:Lewis.Josh@epa.gov>>; Shiffman, Cari <Shiffman.Cari@epa.gov<mailto:Shiffman.Cari@epa.gov>>; Hope, Brian <Hope.Brian@epa.gov<mailto:Hope.Brian@epa.gov>>; Carrillo, Andrea <Carrillo.Andrea@epa.gov<mailto:Carrillo.Andrea@epa.gov>>; Sutton, Tia <sutton.tia@epa.gov<mailto:sutton.tia@epa.gov>>; Holmes, Carol <Holmes.Carol@epa.gov<mailto:Holmes.Carol@epa.gov>>; Traylor, Patrick <traylor.patrick@epa.gov<mailto:traylor.patrick@epa.gov>>; Starfield, Lawrence <Starfield.Lawrence@epa.gov<mailto:Starfield.Lawrence@epa.gov>>; Badalamente, Mark <Badalamente.Mark@epa.gov<mailto:Badalamente.Mark@epa.gov>>; Dominguez, Alexander <dominguez.alexander@epa.gov<mailto:dominguez.alexander@epa.gov>>; Atkinson, Emily <Atkinson.Emily@epa.gov<mailto:Atkinson.Emily@epa.gov>>
>> Subject: SIGNED: Withdrawal of Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles (memo and response letters)
>>

>> Good evening,
>> After review of the "Conditional No Action Assurance Regarding Small Manufacturers of Glider Vehicles" (No Action Assurance), signed on July 6, 2018, and upon further consideration as explained in the attached memo, the Administrator is withdrawing the No Action Assurance.
>>
>> Please see the attached memo for details regarding this decision.
>>
>> Also attached to this email are letters responding to requests that EPA withdraw or administratively stay the No Action Assurance. Please note that today's signed memo will be included as an enclosure for each response letter. The attachment contains 19 response letters.
>>
>> Please contact me if you have any questions.
>>
>> Sincerely,
>> Laura
>>
>> Laura S. Johnson | U.S. Environmental Protection Agency
>> Special Assistant, Office of the Administrator | Cell [REDACTED] **Personal Matters / Ex. 6**
>> Office (202) 566-1273 | johnson.laura-s@epa.gov<mailto:johnson.laura-s@epa.gov>
>>
>> <memo re withdrawal of NAA glider vehicles 07-26-2018.pdf>
>> <response letters withdrawal of NAA glider vehicles 07-26-2018.pdf>

Message

From: Woods, Clint [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC65010F5C2E48F4BC2AA050DB50D198-WOODS, CLIN]
Sent: 7/3/2018 2:38:16 PM
To: Konkus, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=555471b2baa6419e8e141696f4577062-Konkus, Joh]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: Re: Gliders

Giving you a call

On Jul 3, 2018, at 10:37 AM, Konkus, John <konkus.john@epa.gov> wrote:

?? Thanks!

From: Grantham, Nancy
Sent: Tuesday, July 3, 2018 10:37 AM
To: Konkus, John <konkus.john@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: Gliders

John Millett just called – this is not a signature document today on gliders— rather an interim web posting and and an oeca no action assurance letter for the impacted company – we should be getting something soon. Thanks ng

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Millett, John
Sent: Tuesday, July 03, 2018 9:08 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Gliders

Possible today. Bill just mentioned. Learning more soon. Keep you posted.

Sent from my iPhone

On Jul 2, 2018, at 1:09 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

<image001.gif>

Nancy Grantham
Office of Public Affairs

US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 7/3/2018 2:37:39 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]
Subject: FW: Gliders

?? Thanks!

From: Grantham, Nancy
Sent: Tuesday, July 3, 2018 10:37 AM
To: Konkus, John <konkus.john@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FW: Gliders

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Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Millett, John
Sent: Tuesday, July 03, 2018 9:08 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Gliders

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On Jul 2, 2018, at 1:09 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

<image001.gif>

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 6/30/2018 12:03:05 AM
To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: Draft statement on gliders
Attachments: dshREVGliders Programmatic Update_Draft (V1).docx

Bill and Mandy,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

David S. Harlow
Senior Counsel

Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 7/18/2018 6:21:33 PM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]
Subject: RE: NEW CAA LITIGATION: NGO challenges to no action assurance for gliders (Environmental Defense Fund, et al. v. EPA, DC Cir. 18-1190)

Deliberative Process / Ex. 5

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Woods, Clint
Sent: Wednesday, July 18, 2018 2:14 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Harlow, David <harlow.david@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: RE: NEW CAA LITIGATION: NGO challenges to no action assurance for gliders (Environmental Defense Fund, et al. v. EPA, DC Cir. 18-1190)
Importance: High

Deliberative Process / Ex. 5

From: Carrillo, Andrea
Sent: Tuesday, July 17, 2018 4:33 PM
To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Harlow, David <harlow.david@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Grundler, Christopher

<grundler.christopher@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Belser, Evan <Belser.Evan@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>
Cc: Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>

Subject: RE: NEW CAA LITIGATION: NGO challenges to no action assurance for gliders (Environmental Defense Fund, et al. v. EPA, DC Cir. 18-1190)

Attorney Work Product; Attorney Client; Deliberative Process / Ex. 5

Andrea Carrillo
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3392 (office) | (202) 603-4003 (telework/cell) | WJCN 7426KK

From: Carrillo, Andrea

Sent: Tuesday, July 17, 2018 9:42 AM

To: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; OGC Immediate Office MGMT <OGC Immediate Office MGMT@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Harlow, David <harlow.david@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

Cc: Orlin David (Orlin.David@epa.gov) <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>

Subject: NEW CAA LITIGATION: NGO challenges to no action assurance for gliders (Environmental Defense Fund, et al. v. EPA, DC Cir. 18-1190)

Attorney Work Product; Attorney Client; Deliberative Process / Ex. 5

Thanks,

Andrea Carrillo
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3392 (office) | (202) 603-4003 (telework/cell) | WJCN 7426KK

Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 3/19/2018 10:42:59 PM
To: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: Re: Gliders "No Action Assurance"

Deliberative Process / Ex. 5

I'll be checking my emails and voicemails while I'm out the next two days. If you need anything regarding this or any other thing, please do feel free to call.

Sent from my iPhone

On Mar 19, 2018, at 6:12 PM, Harlow, David <harlow.david@epa.gov> wrote:

Mandy,

I see that you and Bill have scheduled for this Wednesday a meeting with Matt Leopold and Erik to discuss Deliberative Process / Ex. 5 and glider issues. I'm not sure what the latter discussion will entail, but as I will be on leave this Wednesday, I thought it best that I send along to you the attached.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Anyway, I'm giving you hard copies of each of these two documents.

David S. Harlow
Senior Counsel
Immediate Office of the Assistant Administrator
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

<revNAA.docx>

<NAArequest.docx>

Message

From: Block, Molly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=60D0C681A16441A0B4FA16AA2DD4B9C5-BLOCK, MOLL]
Sent: 7/9/2018 9:13:53 PM
To: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clint]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: RE: Phase II emissions rule - Glider kits

Thank you! This is really helpful!

From: Harlow, David
Sent: Monday, July 9, 2018 5:11 PM
To: Block, Molly <block.molly@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Phase II emissions rule - Glider kits

Molly,

Yes, the reporter's understanding of your earlier explanation is correct: under the No Action Assurance, a glider vehicle manufacturer that is a "small manufacturer" within the meaning of the regulations promulgated in October 2016 will now be authorized – through EPA's exercise of enforcement discretion – to produce in calendar year 2018 up to (but no more than) an amount equal to the total number of glider vehicles that particular company had produced in the year that reflected the company's highest level of production, between the years 2010 and 2014.

That is, if Company X had produced **1,345** glider vehicles in 2010; **1,415** vehicles in 2011; **2,305** vehicles in 2012; **3,314** vehicles in 2013; and **2,202** vehicles in 2014, then Company X in 2018 would be authorized to produce up to 3,314 glider vehicles. In 2019, that same Company X would be permitted to produce another 3,314 glider vehicles.

This approach is derived from the following provision from the 2016 rule, 40 C.F.R. § 1037.150(t)(3):

(3) For calendar year 2017, you may produce a limited number of glider kits and/or glider vehicles subject to the requirements applicable to model year 2016 glider vehicles, instead of the requirements of § 1037.635. The limit applies to your combined 2017 production of glider kits and glider vehicles and is equal to your highest annual production of glider kits and glider vehicles for any year from 2010 to 2014. Any glider kits or glider vehicles produced beyond this cap are subject to the provisions of § 1037.635. Count any glider kits and glider vehicle you produce under paragraph (t)(1) of this section as part of your production with respect to this paragraph (t)(3).

Absent the No Action Assurance, Company X would be limited in 2018 to producing 300 glider vehicles, and a further 300 vehicles in 2019.

This is why, by the way, that the Tennessee company, Fitzgerald, was in need of the relief provided by the No Action Assurance. As we understand it, they had produced their 300th (and final) glider vehicle for 2018 back in February, and thus their production had been idled since that time. One result was three waves of layoffs.

David S. Harlow
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From: Block, Molly
Sent: Monday, July 9, 2018 4:37 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Woods, Clint <woods.clint@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Harlow, David <harlow.david@epa.gov>
Subject: FW: Phase II emissions rule - Glider kits

Please see question below.

From: Amye Anderson [<mailto:amye@ucbjournal.com>]
Sent: Monday, July 9, 2018 4:31 PM
To: Block, Molly <block.molly@epa.gov>
Subject: Re: Phase II emissions rule - Glider kits

Thank you for the prompt response, Molly!

I just want to ensure I am understanding the last statement you provided... You're saying, at the present, glider kit manufacturers would only be limited to the caps that took effect in 2017; based on the biggest production year between 2010 and 2014?

AMYE ANDERSON | Managing Editor



UPPER CUMBERLAND BUSINESS JOURNAL
480 Neal St. Suite 201 | Cookeville, TN 38501
phone (931) 528-8852 | cell (931) 704-0389
web ucbjournal.com

On Jul 9, 2018, at 3:27 PM, Block, Molly <block.molly@epa.gov> wrote:

Amye –

In November 2017, the U.S. Environmental Protection Agency (EPA) proposed to repeal certain emission requirements for gliders. This proposal also contemplated as alternatives or additional measures an extension of compliance deadlines, and raising the cap on the number of gliders allowed to be built by small manufacturers.

The requirements in question first took effect in January 2017, and limit the number of new glider vehicles that small manufacturers can produce and sell without being subject to additional requirements. The limit took effect in two stages. In 2017, small manufacturers were limited to the number of gliders they built in their biggest production year between 2010 and 2014. In 2018, small manufacturers are limited to no more than 300 gliders.

After taking into consideration the public comments received as well as engagement with stakeholders, EPA has determined that additional evaluation of a number of matters is required before it can take final action on one or more aspects of the proposal. Until a final rule can be completed to bring regulatory certainty to glider manufacturers, the Agency is considering interim steps to reduce severe impacts on the industry. First, EPA is considering an extension of the compliance date, which would set a new effective date of December 31, 2019. And, second, the Agency is exercising its enforcement discretion in 2018 and 2019 for small manufacturers who limit production to the interim cap provided in 2017.

This is an action developed through coordination of both the EPA Office of Air and Radiation and EPA Office of Enforcement and Compliance Assurance.

From: Amye Anderson [<mailto:amye@ucbjournal.com>]
Sent: Monday, July 9, 2018 4:25 PM

To: Block, Molly <block.molly@epa.gov>
Subject: Phase II emissions rule - Glider kits

Good afternoon Molly,

I hope this finds you doing well. I have been covering the effects of the Phase II ruling, and attempts to lobby for the repeal of that ruling, during the last several months.

Fitzgerald Glider Kits, one of the manufacturers that has been impacted by the ruling, has very deep roots in the 14-county region our publication covers.

I've heard through the grapevine that there has been action taken to essentially ignore the ruling through 2019. That said, can you confirm what action was taken and are you able to offer any comment as to why Mr. Pruitt decided to take action on this particular item on his last day in office?

Also, I have been unsuccessful in locating any official release or notation of this decision. Is there perhaps an official statement you can share with me?

Thanks in advance for any insight you are able to provide.

Best,
Amye

AMYE ANDERSON | Managing Editor

<image001.png>

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Message

From: Konkus, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=555471B2BAA6419E8E141696F4577062-KONKUS, JOH]
Sent: 7/6/2018 11:18:01 PM
To: Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]
CC: Block, Molly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=60d0c681a16441a0b4fa16aa2dd4b9c5-Block, Moll]; Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beadda2affa44-Harlow, Dav]; Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Schwab, Justin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eed0f609c0944cc2bbdb05df3a10aadb-Schwab, Jus]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]; Hewitt, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b19dd598d340bb8032923d902d4bd1-Hewitt, Jam]; Abboud, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6f5af791a1842f1adcc088cbf9ed3ce-Abboud, Mic]; Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Beach, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6b124299bb6f46a39aa5d84519f25d5d-Beach, Chri]
Subject: Re: I was just told that EPA is issuing non enforcement letter to glider truck manufacturers

Great job everyone!

On Jul 6, 2018, at 6:57 PM, Woods, Clint <woods.clint@epa.gov> wrote:

Deliberative Process / Ex. 5

On Jul 6, 2018, at 6:49 PM, Block, Molly <block.molly@epa.gov> wrote:

Thanks! Also, the reporter is asking if this step was taken by Pruitt, Wheeler or someone else.

Can we share that info?

Sent from my iPhone

On Jul 6, 2018, at 6:43 PM, Harlow, David <harlow.david@epa.gov> wrote:

Draft desk statement below from Justin, Clint, and David – Feel free to use in 10 minutes if no one sees red flags:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Block, Molly
Sent: Friday, July 6, 2018 6:28 PM
To: Woods, Clint <woods.clint@epa.gov>
Cc: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Konkus, John <konkus.john@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Subject: Re: I was just told that EPA is issuing non enforcement letter to glider truck manufacturers

Thanks!

Sent from my iPhone

On Jul 6, 2018, at 6:27 PM, Woods, Clint <woods.clint@epa.gov> wrote:

Updating a desk statement

On Jul 6, 2018, at 6:18 PM, Block, Molly <block.molly@epa.gov> wrote:

Do you know anything on this?

Sent from my iPhone

Begin forwarded message:

From: Eric Lipton
<lipton@nytimes.com>
Date: July 6, 2018 at
6:10:06 PM EDT
To: "Block, Molly"
<block.molly@epa.gov>
Subject: I was just told
that EPA is issuing non
enforcement letter to
glider truck
manufacturers

Can you ring me to
clarify
As far as I understand
this, companies like
Fitzgerald will be
allowed to ramp up
production again

Thanks in advance

Eric

202 862 0448

Eric Lipton
The New York Times
Washington Bureau
202 862 0448 office
202 370 7951 mobile
lipton@nytimes.com

Message

From: Harlow, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A9A34E31FC4FE6B2BEADDDA2AFFA44-HARLOW, DAV]
Sent: 3/3/2018 12:24:45 AM
To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]; Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
CC: Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: "Give me a place to stand on, and I can move the earth." -- Archimedes, on the power of the lever, as quoted by Pappas of Alexandria c. AD 340
Attachments: NAE.docx

A place to stand, a template, whatever. In my experience, all a person really needs, in most instances, is just some form of template.

Of course, this is all pretty much top-of-the-head stuff at this point.

Anyway, that's way more than enough damage for one day/one week. So have a good weekend, guys.

David S. Harlow
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Message

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53D1A3CAA8BB4EBAB8A2D28CA59B6F45-GUNASEKARA,]
Sent: 7/5/2018 7:51:37 PM
To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]
CC: Harlow, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b5a9a34e31fc4fe6b2beaddda2affa44-Harlow, Dav]; Woods, Clint [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bc65010f5c2e48f4bc2aa050db50d198-Woods, Clin]; Dominguez, Alexander [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5ced433b4ef54171864ed98a36cb7a5f-Dominguez,]
Subject: Re: Tweet

Bill- I'd suggest **Deliberative Process / Ex. 5**

Sent from my iPhone

On Jul 5, 2018, at 12:48 PM, Wehrum, Bill <Wehrum.Bill@epa.gov> wrote:

Deliberative Process / Ex. 5

Bill Wehrum
Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
(202) 564-7404

From: Harlow, David
Sent: Thursday, July 5, 2018 3:46 PM
To: Woods, Clint <woods.clint@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>
Subject: RE: Tweet

Deliberative Process / Ex. 5

David S. Harlow
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1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233

Harlow.David@epa.gov

From: Woods, Clint

Sent: Thursday, July 5, 2018 3:43 PM

To: Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>;
Harlow, David <harlow.david@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>

Subject: Tweet

Importance: High

<https://twitter.com/realDonaldTrump/status/1014956568129892352>

<image001.png>

Clint Woods
Deputy Assistant Administrator
Office of Air and Radiation, U.S. EPA
202.564.6562